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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**RUTH ANN MUNGER,**

Plaintiff,

v.

**INTEL CORPORATION, a  
Delaware Corporation, as Plan  
Administrator of the Intel  
Retirement Contribution Plan,  
Intel 401(K) Savings Plan; Intel  
Minimum Pension Plan, Intel  
Retiree Medical Plan, and  
Sheltered Employee Retirement  
Medical Account; and  
TRACY LAMPRON CLOUD,**

Defendants,

and

Case No.: 3:22-cv-263

**COMPLAINT - ERISA**

**(29 U.S.C. § 1132 (a)(1)(B),  
29 U.S.C. § 1132 (a)(3)(B))**

**PEGASUS FIDUCIARY  
SERVICES, LLC, in its capacity  
as Personal Representative of  
the Estate of Philip Louis Cloud;  
MARK IAN CLOUD; DAWN  
WILFONG ROBINSON; and  
CASSANDRA MARIE WILFONG,**

Interested Parties.

Plaintiff alleges as follows:

### **PARTIES**

1. Plaintiff Ruth Ann Munger (“Munger”) is one of four intestate heirs of Philip Louis Cloud, her deceased uncle. She brings this action for the benefit of herself and her three siblings.

2. Defendant Intel Corporation (“Intel”) is a multinational corporation and technology company incorporated in Delaware with headquarters in Santa Clara, California. Intel is the Plan Sponsor and Plan Administrator of the Intel Retirement Contribution Plan, the Intel 401(K) Savings Plan, and the Intel Minimum Pension Plan (“the Pension Plans”), all of which are employee pension benefit plans established under, and subject to, the Employee Retirement Income Security Act, 29 U.S.C. §§ 1001-1461 (“ERISA”). Intel is also the Plan Sponsor and Plan Administrator of the Intel Retiree Medical Plan (“IRMP”) and Sheltered Employee Retirement Medical Account (“SERMA”), which are employee

welfare benefit plans (“the Welfare Benefit Plans”) established under, and subject to, ERISA.

3. Defendant Tracy Lampron Cloud was the wife of Philip Louis Cloud, and would be his sole intestate heir but-for the application of Oregon’s slayer statute, ORS 112.455 to 112.470, and similar federal common law principles.

4. Interested party Pegasus Fiduciary Services, LLC (“Pegasus”), is the duly-appointed Personal Representative of the intestate estate of Philip Louis Cloud, having been appointed in Washington County, Oregon, Case No. 19PB07623 on October 10, 2019. Pegasus has declined to assert slayer claims against Tracy Lampron Cloud, and is named herein as a necessary party pursuant to Fed. R. Civ. P. 19(a)(1).

5. Interested parties Mark Ian Cloud, Dawn Wilfong Robinson, and Cassandra Marie Wilfong are Plaintiff’s siblings, and are the other three intestate heirs of Philip Louis Cloud. They are named herein as necessary parties pursuant to Fed. R. Civ. P. 19(a)(1).

### **JURISDICTION AND VENUE**

6. Plaintiff brings this civil action pursuant to 29 U.S.C. § 1132 (a)(1)(B) to enforce rights under the terms of the Pension Plans for the benefit of herself and her three siblings, who are the four persons entitled to Philip Louis Cloud’s benefits under the terms of the Pension Plans, and

to clarify rights to future benefits under the terms of the both the Pension Plans and the Welfare Benefit Plans (collectively “the Plans”), and pursuant to 29 U.S.C. § 1132 (a)(3)(B) to obtain other appropriate equitable relief under federal common law prohibitions against slayers profiting from their felonious homicidal acts.

7. This court has exclusive jurisdiction over this action pursuant to 29 U.S.C. § 1132(e)(1).

8. Venue is proper pursuant to 29 U.S.C. § 1132(e)(2) and 28 U.S.C. §§ 1391(b)(1) and (2) because this action is brought in the judicial district where Tracy Lampron Cloud and other defendants reside, where the Plans are administered, where the breach took place, and where a substantial part of the events or omissions giving rise to the Plaintiff’s claim occurred.

9. In conformity with 29 U.S.C. §1132(h), Plaintiff has served this Complaint by Certified Mail on the Secretary of Labor and the Secretary of Treasury.

### **STATEMENT OF FACTS**

10. Philip Louis Cloud was a former Intel employee and participant in the Plans. He died September 23, 2019, fully vested or otherwise eligible to participate in the Plans, leaving a plan benefit valued at \$781,428.17 in his Intel Retirement Contribution Plan as-of the date of death, a plan

benefit valued at \$644,216.43 in his Intel 401(K) Savings Plan as-of the date of death, and additional benefits under the remainder of the Plans.

11. The terms of the Plans as applicable to Philip Louis Cloud provide that in the event of his death, the plan benefits are to be distributed or otherwise made available to his spouse. For certain of the Plans, if his spouse is not living at the time of distribution, the plan benefits are to be distributed to the estate of Philip Louis Cloud.

12. Under ERISA, federal common law disqualifies those who kill with felonious intent, i.e. “slayers,” from collecting benefits of employee pension benefit plans and employee welfare benefit plans covered by ERISA.

13. Tracy Lampron Cloud murdered Philip Louis Cloud on September 23, 2019. She was indicted by a duly-impaneled Washington County, Oregon, grand jury on January 8, 2020, and a true copy of the indictment is attached as Exhibit 1.

14. By operation of Oregon law (ORS 112.455 to 112.555), Philip Louis Cloud’s intestate heirs are Plaintiff and her three siblings.

15. On November 13, 2020, in accordance with the terms of the Pension Plans, Plaintiff filed a claim with Intel, on behalf of herself and her three siblings, for Philip Louis Cloud’s benefits under the Intel Retirement Contribution Plan and the Intel 401(K) Savings Plan, a true copy of which

(with required redactions) is attached as Exhibit 2. Intel has not responded to Plaintiff's claim.

16. On information and belief, Tracy Lampron Cloud has also filed a claim with Intel for Philip Louis Cloud's benefits under one or more of the Plans.

17. On November 9, 2021, a Washington County trial jury returned a verdict of "guilty" against Tracy Lampron Cloud, a true copy of which is attached as Exhibit 3.

18. On November 16, 2021, Tracy Lampron Cloud was sentenced to life in prison for the murder of Philip Louis Cloud. A true copy of the judgment is attached as Exhibit 4.

19. Upon information and belief, Intel has not yet distributed Philip Louis Cloud's benefits or otherwise made them available to beneficiaries under the Plans.

### **CLAIM FOR RELIEF**

20. Plaintiff realleges paragraphs 1-19 as though fully set forth herein.

21. Plaintiff, Mark Ian Cloud, Dawn Wilfong Robinson, and Cassandra Marie Wilfong, as sole heirs of the estate of Philip Louis Cloud, are entitled to the receipt of Philip Louis Cloud's benefits under the Intel Retirement Contribution Plan and the Intel 401(K) Savings Plan, plus

earnings accrued since September 23, 2019, pursuant to 29 U.S.C. § 1132(a)(1)(B) and/or (a)(3)(B).

22. Alternatively, Plaintiff and her siblings, as sole heirs of the estate of Philip Louis Cloud, are owed fiduciary duties by Intel to administer the Plans in accordance with their terms and to pay Intel Retirement Contribution Plan and the Intel 401(K) Savings Plan balances to either Plaintiff and her siblings or the estate of Philip Louis Cloud, which duties Intel has breached by nonpayment and nonresponse, in violation of 29 U.S.C. §§ 1132 (a)(3)(B) and 1133.

23. As Philip Louis Cloud's slayer, Tracy Lampron Cloud is not entitled to receipt of any of the benefits of the Plans.

24. Plaintiff is entitled to her costs and attorney fees pursuant to 29 U.S.C. § 1132 (g)(1).

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**WHEREFORE**, Plaintiff prays for judgment as follows:

- A. For prompt payment in equal shares to Plaintiff, Mark Ian Cloud, Dawn Wilfong Robinson, and Cassandra Marie Wilfong of Philip Louis Cloud's benefits under the Intel Retirement Contribution Plan and the Intel 401(K) Savings Plan, plus accrued earnings since September 23, 2019;
- B. For enforcement of Intel's fiduciary duties under the Plans;
- C. For declaration that Tracy Lampron Cloud is not entitled to receipt of any of the benefits of the Plans;
- D. For an award of reasonable costs and attorney fees pursuant to 29 U.S.C. § 1132(g)(1); and
- E. For such other equitable relief as may be just and proper under the circumstances.

DATED: February 17, 2022.

LAW OFFICE OF ERIN OLSON, P.C.



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PICKETT DUMMIGAN McCALL LLP  
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